

REMARKS

Claim 11 is objected to for a minor informality which has been addressed in the above-amendment. Accordingly, it is respectfully requested that the objection to claim 11 be withdrawn.

Claims 1-11 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Andoh. Claims 1 and 11 are independent. This rejection is respectfully traversed for the following reasons.

A personal interview was conducted with Examiner Le and Primary Examiner Tran in order to help expedite prosecution. Applicants and Applicants' representative would like to thank Examiner Le and Tran for their courtesy in conducting the interview and for their assistance in resolving issues. As a result of the interview and as indicated in the Interview Summary, it was agreed that claims 1-11 as originally filed are allowable over the relied on prior art because Andoh does not disclose or suggest a "sampling section" as set forth in each of claims 1 and 11.

Indeed, the cited prior art is at best cumulative to the conventional status report output procedure described at pages 1-4 of Applicants' specification, in which increased rotational speed of the disks causes the status report period to become shorter. Accordingly, the conventional system has a reduced time allowance for determining whether processing should continue or be aborted, thereby excessively increasing the burden on the controller. In contrast, the present invention enables reducing controller burden by sampling the status reports. As described on page 10, lines 7-11 of Applicants' specification with respect to Figure 1, one exemplary embodiment can control sampling based on sampling category information and/or a sampling interval.

The above-amendment to claims 1 and 11 is solely for cosmetic purposes and does not raise any new issues that would require further consideration and/or search. In particular, the term "selectively" broadly embodies exemplary embodiments for the sampling parameters set forth in the existing dependent claims.

As anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed in a single prior art reference, *Akzo N.V. v. U.S. Int'l Trade Commission*, 808 F.2d 1471 (Fed. Cir. 1986), based on the forgoing, it is submitted that Andoh does not anticipate claims 1 and 11, nor any claim dependent thereon.

CONCLUSION

Having fully and completely responded to the Office Action, Applicants submit that all of the claims are now in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below. To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,
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